

MINUTES OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

MYRNA I. JOHNSON vs. FRED MEYER STORES INCORPORATED

BEFORE THE HONORABLE RALPH R. BEISTLINE CASE NO.1:04-CV-00008-RRB

DEPUTY CLERK/RECORDER: SAMANTHA LARK

APPEARANCES: PLAINTIFF: MARK C. CHOATE

DEFENDANT: JAMES R. DICKENS
PETER E. GRUENSTEIN

PROCEEDINGS: TRIAL BY JURY DAY - 2 HELD AUGUST 12, 2008:

- - - - - At 9:00 a.m. court convened without jury panel present.

Court and counsel heard re equipment, proposed jury instruction, verdict form, plaintiff's witness testimony, defendant's exhibits, plaintiff's exhibits and special jury instructions.

At 9:10 a.m. jury panel entered the courtroom.

Myrna I. Johnson resumed stand and testified further on behalf of the plaintiff. Plaintiff's exhibits 13 and 16 **IDENTIFIED**. Defendant's exhibit O and P **IDENTIFIED**. Plaintiff's exhibits 60, 61 and 62 **ADMITTED**. Defendant's B, E, J **ADMITTED**.

At 10:24 a.m. jury panel exited the courtroom.

Court and counsel heard re defendant's cross examination questions to plaintiff witness and special instruction to the jury.

At 10:28 a.m. court recessed until 10:45 a.m. with the jury panel present.

Myrna Johnson resumed stand and testified further on behalf of the plaintiff. Defendant's exhibit D, O, P AND Q **IDENTIFIED**. Defendant's exhibits F, G, H, I, and K **ADMITTED**. Plaintiff's exhibit 15 **IDENTIFIED**.

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Court and counsel heard re witnesses, juror deliberations and exhibits.

At 11:41 a.m. jury panel exited the courtroom.

Defendant's exhibits D, O, P and Q **ADMITTED**.

Plaintiff's exhibits 15 and 16 **ADMITTED**.

At 11:47 a.m. court recessed until 12:57 p.m. without jury panel present.

Court and counsel heard re plaintiff's next witness.

At 12:58 p.m. jury panel entered the courtroom.

Mathew Laney sworn and testified on behalf of the plaintiff.
Plaintiff's exhibit 2 only to 1998 performance 4 pages; **ADMITTED**.

At 2:12 p.m. court recessed until 2:23 p.m. without jury panel present.

Court and counsel heard re parties prepared to proceed.

At 2:24 p.m. the jury panel entered the courtroom.

Sarah Dexter sworn and testified on behalf of the plaintiff.

At 3:14 p.m. jury panel exited the courtroom.

Court and counsel heard re proposed jury instructions.

At 3:15 p.m. court recessed until 3:29 p.m. without jury panel present.

Court and counsel heard re plaintiff's next witness.

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At 3:29 p.m. jury panel entered the court room.

Mary Droddy sworn and testified on behalf of the plaintiff.

Court addresses jurors re deliberations and length of trial.

At 3:47 p.m. jury panel exited the court to reconvene Wednesday, August 13, 2008 at 8:30 a.m.

Court and counsel heard re verdict form and proposed jury instructions.

At 4:35 p.m. court recessed this matter to reconvene **Wednesday August 13, 2008 at 8:30 a.m.**

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